

Appln. No. 10/643,168
Amndt. B dated June 28, 2007
Reply to Final Office Action of March 30, 2007

Claims 1-17 are pending in the application. A Request for Continued Examination (RCE) accompanies this response. Reconsideration and reexamination are requested.

As shown in the Amendments to the specification portion of this paper, the paragraphs beginning at line 2 and line 20 of page 4 have been corrected to clarify that “said end piece protects said edge section of said body portion from contact with said animal during said chewing”. Support may be found at page 6 lines 20-22 which recite “[i]n addition to providing both soft and hard chewing surfaces, the animal chew **10** consistent with the present invention is provided so that the end pieces **14, 16** overlie at least a portion of each respective end of the shank **12**. The animal chew of the present invention may be provided having a generic “dog bone” shape, including a body portion having an end piece at either end of the shank. Accordingly, no new matter has been entered.

In the final office Action mailed March 30, 2007, the Examiner has objected to claim 1 on the grounds that there was insufficient antecedent basis for the phrase “said edge section” in line 8 of the claim. Claim 1 has been amended in line 4, as suggested by the Examiner, to recite “[a] body portion including an outer layer having a first hardness and a rigid supporting core, said body portion having first and second end sections with an edge section thereof; and...”

Support can be found at page 8 line 20 to page 9 line 2 which recites “[t]he shank **12** and end pieces **14, 16** are assembled by fitting each end of the shank **12** in to one of the respective end piece **14, 16**. The ends of the shank **12** are received in the openings **24** of the end pieces **14, 16** so that the end piece **14, 16** overlies at least partially, and preferably completely, the ends **19** of the shank **12**. This aspect of the animal chew **10** uniquely protects the outer layer **18** of the shank **12** by avoiding the presentation of an edge section **19** of the outer layer **18**.“ Accordingly, no new matter has been entered.

Claim 17 has also been objected to because of an informality which has been corrected as suggested by the Examiner. Accordingly, no new matter has been entered.

Claims 1-17 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This has been corrected, as suggested by the Examiner, consistent with the corrections made to the specification, as noted above. Support is as noted above. Accordingly, no new matter has been entered.

Claim 1 has also been amended to clarify that the end piece overlies and protects the edge section of the body portion from contact with the animal during chewing via a raised ridge section. Support can be found at page 6, line 20 to page 7 line 5 which recite that the end pieces 14, 16 overlie at least a portion of each respective end of the shank 12. Accordingly, no new matter has been entered.

The Examiner has found new grounds to reject claims 1-8, 10, 12-15 and 17 under 35 U.S.C. 102(e) as being anticipated by Handelsman (USP 7,017,523).

Handelsman appears to be directed at a pet chew comprising a first and second member in rotatable orientation to one another mounted on a shaft, wherein a plurality of scrubbing elements may be mounted on a first surface of each of the members, the first surfaces being generally perpendicular to the axis of rotation of the members around the shaft. In another embodiment, the members may comprise circular discs.

The Examiner has suggested that Handelsman discloses a body portion having a first and second end sections with an edge section thereof and an end piece 703 including a raised ridge section (as viewed, for example, in figure 11, adjacent hub 711a) wherein the end piece protects the edge section of the end piece from contact with the animal during chewing (emphasis added).

As best understood, the Examiner found the above feature in Handelsman, in view of the fact that claim 1, as previously presented, recited that the end piece protected said edge section of said end piece. As noted above, the claim has been corrected to clarify that the end piece overlies and protects said edge section of said body portion. It is respectfully noted that such feature is not disclosed or suggested in the prior art of Handelsman.

Finally, Applicant notes that at page 3 of the office action, the Examiner pointed out that as previously presented, it was unclear how the end piece protected the edge section of the end piece. The Examiner then noted that claim 1 "is construed to be wherein said end piece protects said edge section of said *body portion* from contact with said animal. As noted above, the claim has been amended to clarify such feature. However, it appears to Applicant, and it is understandable, that in formulating the rejection in view of Handelsman, the Examiner applied the claim in the manner it was written.

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In view of the above, it is respectfully submitted that amended claim 1 satisfies the conditions of patentability over Handelsman under 35 USC 102 and or 35 USC 103.

Dependent claims 2-8, 10, 12-15 and 17 all depend directly or indirectly from amended claim 1 and are therefore believed to be similarly distinguished over Handelsman as noted above. Thus, it is respectfully submitted that Handelsman does not teach or suggest the animal chew toy that is now presented herein by way of amended claim 1.

Given the distinctions between the present invention and the cited art, it is believed that the previous prior art rejection have been overcome and that the claims are in condition for allowance. Allowance at an early date is respectfully solicited.

In the event the Examiner deems personal contact is necessary, please contact the undersigned attorney at (603) 668-6560.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our deposit account No. 50-2121.

Respectfully submitted,

/Steven J. Grossman/

Steven J. Grossman
Attorney for Applicant
Reg. No. 35,001
Customer No. 32047
Grossman Tucker Perreault & Pfleger, PLLC
55 South Commercial St.
Manchester, NH 03101